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New 3 Sisters Action Is Doubtful This Year

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House and Senate public works committee sources said yesterday's Supreme Court decision denying permission to start work on the controversial Three Sisters Bridge probably will not result in new enabling legislation in this session of Congress.

Although Chief Justice Warren E. Burger suggested that Congress should enact new legislation definitively spelling out its intent, House committee sources said most committee members will not feel an imperative need for new enabling legislation this session.

Opposition in the District has undermined congressional enthusiasm for the project, said a committee spokesman.

The collective attitude of the two committees may leave Interstate Route 66, a costly project, suspended in limbo — at least for the next several years.

In a brief order, the justices declined to review an Oct. 12 ruling by the U.S. Court of Appeals in the District that the span could not be constructed until further study by the Department of Transportation.

BUT BURGER, in an unusual aside — not a dissent — said he decided with the rest of the court only because of the "timing." He said that if the court had agreed to review the lower court decision, "it would be almost a year before we could render a decision in the case."

He said any new law should make it unmistakably clear that the intention of Congress is to build the bridge — perhaps even extending to a congressional edict forbidding further court review.

Steel pilings project out of the Potomac on the District side of the river just west of Georgetown were an abortive attempt was made last year to start bridge construction.

Although Rep. Joel T. Broyhill, R-Va., said yesterday he might introduce new legislation requiring construction of the bridge if the Public Works Committee fails to act, committee sources said such a move would be fruitless.

They said any such proposal by Broyhill

or other congressmen who aren't members of the committee, headed by Rep. John A. Blatnik, D-Minn., simply would be referred back to the committee.

A committee spokesman said the committee would not relish the prospect of holding hearings on a matter "committee members had considered settled."

SOURCES SAID the District's recalcitrance on provisions of the 1960 Highway Act, and its opposition to construction of freeways delineated in the act, had caused the committee — perhaps with a few exceptions — to view further legislation as futile.

A Senate Public Works Committee staff member said it was unlikely that that committee will pick up Burger's suggestion.

"I see no further need for Congress to say that we really meant we've already said twice before," said the spokesman.

Sam Abbott, director of one of the citizens groups fighting the bridge, the Emergency Committee on the Transportation Crisis, called the high tribunal's action a victory.

"We pledge increased determination to meet the next moves of the pro-freeway forces by every means as we have in the past: Public education and mobilization, political and legal action," he said.

ATTEMPTS to start construction of the bridge have been embroiled in legal battles for the last five years.

In the most recent court ruling, the lower court ordered Transportation Secretary John Volpe and his department to reconsider the project to determine whether it satisfies federal highway law on the issues of safety, location, environment and over-all planning.

Justice department counsel, in lower court arguments, said federal highway officials have the authority to make plans as they go along.

Meanwhile, opponents of I-66 have argued in the U.S. Court of Appeals in Richmond that construction of the highway, scheduled to begin this spring, should be held off at least until the bridge battle is resolved.